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SENATE BILL 277

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATED TO OPTOMETRY; BROADENING THE DEFINITION OF THE PRACTICE OF OPTOMETRY; PERMITTING LASER SURGERY AND THE PRESCRIBING AND ADMINISTERING OF CERTAIN MEDICATIONS BY OPTOMETRISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-2-2 NMSA 1978 (being Laws 1973, Chapter 353, Section 2, as amended) is amended to read:

"61-2-2. DEFINITIONS. --As used in the Optometry Act:

A. "practice of optometry" means:

(1) the employment of any subjective or objective means or methods, including the prescription or administration of topical ocular pharmaceutical agents, for the purpose of determining the visual defects or abnormal conditions of the human eye and its adnexa; and

(2) the employing, adapting or prescribing of

Underscored material = new
[bracketed material] = delete

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1 preventive or corrective measures by any means, including low
2 vision rehabilitation, orthoptics, vision therapy lenses,
3 prisms, contact or corneal lenses or other optical appliances;
4 refractive and therapeutic laser surgery procedures of the
5 anterior segment of the eye; and prescribing or administering
6 topical ocular pharmaceutical agents and oral pharmaceutical
7 agents as authorized in Section 61-2-10.2 NMSA 1978 for the
8 correction, relief or referral of visual defects or abnormal
9 conditions of the human eye and its adnexa. The "practice of
10 optometry" shall include the procedures and methods as taught by
11 an accredited school or college of optometry, if the optometrist
12 is qualified to do so by having passed the instruction and has
13 been credentialed to perform the procedure or method by the
14 board of optometric examiners, and shall not include the use of
15 incisional surgery [~~or injections in the treatment of eye~~
16 ~~diseases; provided~~]. Persons who sell or dispense eyeglasses
17 upon prescription and who do not prescribe ophthalmic lenses for
18 the eyes shall not employ, adapt, dispense, modify, provide,
19 sell, give or fit contact or corneal lenses; and provided
20 further, the testing, design, dispensing and monitoring of a
21 contact lens fitting shall be performed at the optometrist's
22 place of practice;

23 B. "ophthalmic lens" means a lens that has a
24 spherical, cylindrical or prismatic value and that is ground
25 pursuant to a prescription and intended to be used as eyeglasses

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1 or spectacles;

2 C. "contact or corneal lens" means any lens to be
3 worn on the anterior segment of the human eye, to be prescribed,
4 dispensed, adapted, employed, modified, provided, sold and
5 fitted by a licensed optometrist or physician;

6 D. "prescription" means a formula written for
7 ophthalmic lenses, for a topical ocular pharmaceutical agent or
8 for an oral pharmaceutical agent as authorized in Section
9 61-2-10.2 NMSA 1978 that comes under the provisions of the New
10 Mexico Drug, Device and Cosmetic Act by a person duly licensed
11 and containing the following essential elements:

12 (1) an order given individually for the person
13 for whom prescribed, either directly from the prescriber to the
14 pharmacist or indirectly by means of a written order signed by
15 the prescriber, ~~[and shall bear]~~ that bears the name and address
16 of the prescriber, his license classification, the name and
17 address of the patient, the name and quantity of the drug
18 prescribed, directions for use and the date of issue; or

19 (2) dioptric power of spheres, cylinders and
20 prisms, axes of cylinders, position of prism base and, if so
21 desired by the prescriber, light transmission properties and
22 lens curve values;

23 (3) designation of pupillary distance; and

24 (4) name of patient, date of prescription,
25 expiration date and the name and office location of prescriber;

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1 provided, however, that:

2 (5) those who sell and dispense eyeglasses upon
3 the written prescription of a physician, surgeon or optometrist
4 may determine the:

5 (a) type, form, size and shape of
6 ophthalmic lenses;

7 (b) placement of optical centers for
8 distance-seeing and near-work;

9 (c) designation of type and placement of
10 reading segments in multivision lenses;

11 (d) type and quality of frame or
12 mounting, type of bridge and distance between lenses, type,
13 length and angling of temples; and

14 (e) designation of pupillary distance;

15 E. "eyeglasses" means any exterior optical device
16 using ophthalmic lenses for the correction or relief of
17 disturbances in and anomalies of human vision and includes
18 spectacles and other devices using ophthalmic lenses; and

19 F. "board" means the board of optometry. "

20 Section 2. Section 61-2-10.2 NMSA 1978 (being Laws 1995,
21 Chapter 20, Section 5, as amended) is amended to read:

22 "61-2-10.2. DESIGNATION OF ORAL PHARMACEUTICAL AGENTS--
23 CERTIFICATION FOR USE OF CERTAIN AGENTS. --

24 A. Subject to the provisions of the Optometry Act,
25 optometrists qualified and certified by the board may

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1 prescribe or administer the following classes of oral
2 pharmaceutical agents:

3 (1) anti-infective medications, not
4 including antifungals;

5 (2) anti-glaucoma medications, not including
6 osmotic medications;

7 (3) anti-allergy medications;

8 (4) anti-inflammatory medications ~~[not~~
9 ~~including oral corticosteroids and immunosuppression agents]~~;
10 and

11 (5) analgesic medications, including
12 Schedules III through V controlled substances, as provided in
13 the Controlled Substances Act.

14 B. The board shall issue certification for the use
15 of oral pharmaceutical agents as set forth in Subsection A of
16 this section to optometrists currently licensed by the board
17 who are certified for the use of topical ocular pharmaceutical
18 agents. To be certified, an optometrist shall submit to the
19 board proof of having satisfactorily completed a course in
20 pharmacology as applied to optometry, with particular emphasis
21 on the administration of oral pharmaceutical agents, including
22 corticosteroids and immuno-suppression agents for the purpose
23 of examination of the human eye, and analysis of ocular
24 functions and treatment of visual defects or abnormal
25 conditions of the human eye and its adnexa. The course shall

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1 constitute a minimum of twenty hours of instruction in
2 clinical pharmacology, including systemic pharmacology as
3 applied to optometry, and shall be taught by an accredited
4 institution approved by the board.

5 C. As of July 1, 1996, all applicants for
6 licensure shall meet the requirements for certification in the
7 use of diagnostic, topical therapeutic and oral pharmaceutical
8 agents as set forth in the Optometry Act and shall
9 successfully complete the board's examination in diagnostic,
10 topical and oral pharmaceutical agents prior to licensure.

11 D. The certification authorized by this section
12 shall be displayed in a conspicuous place in the optometrist's
13 principal office or place of business. "

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 277/a

3
4
5 February 17, 1997

6
7 Mr. President:

8
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
10 referred

11 SENATE BILL 277

12
13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17 1. On page 1, line 22, following the word "ocular" insert
18 "and certain oral".

19
20 2. On page 2, line 1, strike "by any means".

21
22 3. On page 2, strike all of the underscored language on
23 lines 4 and 5 and insert in lieu thereof:

24 "laser posterior capsulotomy; laser trabeculectomy; laser
25 iridotomy; laser iridoplasty; photorefractive keratectomy;

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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SPAC/SB 277

Page 8

phototherapeutic keratectomy; subcutaneous injections;
subconjunctival injections; subtenons injections;".

4. On page 2, line 7, insert a comma following "agents".

5. On page 2, line 7, insert a comma following "1978".

6. On page 2, strike all the underscored language on lines
10 through 14.

7. On page 2, line 16, before the period insert:

", intraocular injections and retrobulbar injections. No
optometrist shall administer an injection in the eye or perform
laser surgery unless credentialed to do so by the board".

8. On page 3, line 2, strike "lens"0" and insert in lieu
thereof "lens".". ,

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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and thence referred to the CORPORATIONS &
TRANSPORTATION COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

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[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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No: Ingle, Smith, Robinson

Excused: Boitano, Feldman

Absent: None

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

SB 277/a

3
4 February 27, 1997

5
6 Mr. President:

7
8 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
9 whom has been referred

10
11 SENATE BILL 277, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. Strike Senate Public Affairs Committee Amendment 7.

17
18 2. On page 2, line 16, before the period insert:

19 ", intraocular injections and retrobulbar injections. No
20 optometrist shall administer an injection in the eye or perform
21 laser posterior capsulotomy; laser trabeculoplasty; laser
22 iridotomy; laser iridoplasty; photorefractive keratectomy;
23 phototherapeutic keratectomy; subcutaneous injections;
24 subconjunctival injections; or subtenons injections, unless
25 certified to do so by the board. Upon seeking board
certification to perform laser surgery or injections, an

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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optometrist shall submit documentation to the board that the
optometrist has successfully completed instruction offered by an
accredited school or college of optometry regarding performance
of laser surgery or injections".

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Fidel, McKibben

Excused: Kidd, Leavell, Robinson

Absent: None

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 3, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 277, as amended

Amendment sponsored by Senator Sue F. Wilson

1. On page 6, between lines 13 and 14, insert the following new section:

"Section 3. A new section of the Optometry Act, Section 61-2-10.3 NMSA 1978, is enacted to read:

"61-2-10.3. [NEW MATERIAL] STANDARD OF CARE. -- An optometrist who performs refractive and laser procedures as defined in Paragraph (2) of Subsection A of Section 61-2-2 NMSA 1978 shall be held to the same standard of care as a licensed physician who performs the same procedures."

FORTY-THIRD LEGISLATURE
FIRST SESSION

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SB 277

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Sue F. Wilson

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom
has been referred

SENATE BILL 277, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fred Luna, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/SB 277

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Getty, Gubbels, Kissner, Olguin, J. G. Taylor

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/SB 277

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom have been referred

SENATE BILL 277, as amended
with certificate of correction

SENATE BILL 195, as amended
with emergency clause

SENATE JOINT MEMORIAL 8

has had them under consideration and reports that same have been duly
enrolled and engrossed preparatory to signing by the officers of the
Senate.

Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

HBIC/SB 277

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Senator Dede Feldman, Co-Chairman

Senator Cisco McSorley, Co-Chairman

Senator William H. Payne, Co-Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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Underscored material = new
[bracketed material] = delete